

**WEDNESDAY, FEBRUARY 5, 1992**

**FIFTY-FIFTH LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Joseph P. Breen, St. Edwards Catholic Church, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Napier; to attend the annual meeting of the National Association of Conservation Districts.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Purcell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that all bills placed on notice by the end of business today [4:30 p.m.], can be

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heard by the Finance, Ways and Means Committee on Tuesday, February 11, 1992. Rep. Chiles seconded the motion and the motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep Buck, **House Bill No. 1658** was withdrawn from the House.

On motion of Rep Phillips, **House Bill No. 1670** was withdrawn from the House.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Resolution No. 0151 -- Family Life Curriculum -- Urges family life education administrators and teachers to participate in state sponsored, regional family life workshops.** by \*DeBerry.

Referred by the Speaker to the Education Committee.

**House Joint Resolution No. 0453 -- Naming and Designating -- Designates Mrs. Tennessee as official spokesperson for Tennessee's married women.** by \*Jackson.

Referred by the Speaker to the Health and Human Resources Committee.

**\*House Joint Resolution No. 0454 -- Memorials, Government Officials -- Urges department of transportation to study feasibility of expanding and/or extending SR 322.** by \*Gunnels.

Referred by the Speaker to the Transportation Committee.

**House Joint Resolution No. 0455 -- Memorials, Personal Occasion -- Linnie Alexander Garner, 100th birthday.** by \*McDaniel, \*Bell.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0456 -- Naming and Designating -- Senior Citizens Dental Health Month, May 1992.** by \*Liles.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0457 -- Naming and Designating -- Children's Dental Health Month, February 1992.** by \*Liles.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0458 -- Memorials, Death -- Judge William O. Beach, Clarksville.** by \*Head, \*Knight, \*Bragg.

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Referred by the Speaker to the Calendar and Rules Committee.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 335; adopted for concurrence.

CLYDE W. MCCULLOUGH, JR.  
Chief Clerk.

**RULES SUSPENDED**

Rep. Hassell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 335 out of order, which motion prevailed.

**Senate Joint Resolution No. 0335 --** Memorials, Personal Achievement -- Travis James Smith, Eagle Scout. by \*Person.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hassell, the resolution was concurred in.

A motion to reconsider was tabled.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1713 --** County Government -- Streamlines process for appropriation of county funds to nonprofit entity in Fayette County. Amends TCA 5-9-109. by \*Walley, \*Naifeh.

Passed first consideration.

**\*House Bill No. 1714 --** Malpractice, Professional -- Extends malpractice statute of limitations when patient contracts cancer from negligent use of radiation in diagnosis or treatment of a pre-existing disease, disorder or condition; requires commencement of action within one year after injury is or should be discovered. Amends TCA, Titles 29, 63, 68. by \*Windle.

Passed first consideration.

**House Bill No. 1715 --** Highway Signs -- "Garrett-Maynard Highway", State Highway 52 between Livingston and Overton/Clay County line. by \*Windle.

Passed first consideration

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**\*House Bill No. 1716** -- Transportation, Dept. of -- Exempts military vehicles from department regulations. Amends TCA, Title 4, Ch. 3, Pt. 23. by \*Windle.

Passed first consideration.

**House Bill No. 1717** -- Highway Signs -- Big South Fork National River and Recreation Area, I-40. by \*Windle.

Passed first consideration.

**\*House Bill No. 1718** -- Highway Signs -- Monroe County Maternity Center, SR 68. by \*Gunnels.

Passed first consideration.

**\*House Bill No. 1719** -- Civil Service -- Authorizes a state employee under civil service to have a union representative to represent him in grievance hearing before civil service commission. Amends TCA, Title 8, Ch. 30, Pt. 3. by \*Windle, \*Ferguson.

Passed first consideration.

**\*House Bill No. 1720** -- Education -- Enacts "Tennessee Classroom Reorganization Plan Act.". Amends TCA, Title 49. by \*Joyce.

Passed first consideration.

**House Bill No. 1721** -- Police -- Authorizes inclusion of time in active military duty for calculation of required eight month service time for eligibility for police pay supplement. Amends TCA, Title 38, Ch. 8, Pt. 1. by \*Kent.

Passed first consideration.

**House Bill No. 1722** -- Highway Signs -- "Howard Garland Bridge," Unicoi County. by \*Whitson.

Passed first consideration.

**House Bill No. 1723** -- Highway Signs -- "John Montgomery Bridge," Carter County. by \*Whitson, \*Cole.

Passed first consideration.

**House Bill No. 1724** -- Highway Signs -- "Rod Swift Bridge," U.S. Highway 19E. by \*Cole, \*Whitson.

Passed first consideration.

**House Bill No. 1725** -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special registration plates for off-highway vehicles to permit the use on designated roads or areas in public lands in Tennessee. Amends TCA, Title 55. by \*Whitson.

Passed first consideration.

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**House Bill No. 1726 -- State Employees --** Authorizes up to 15 days of paid leave for state employees who are certified disaster service volunteers for the Red Cross to participate in specialized disaster relief services with appointing authority's approval. Amends TCA, Title 8, Ch. 50, Pt. 1. by \*Whitson.

Passed first consideration.

**House Bill No. 1727 -- DUI/DWI Offenses --** Deletes provision which permits defendant to challenge constitutional validity of prior guilty plea DUI conviction at any proceeding where such conviction is used to enhance punishment. Amends TCA 55-10-403. by \*Whitson.

Passed first consideration.

**\*House Bill No. 1728 -- Schools, Private --** Provides for additional regulation of proprietary schools. Amends TCA, Title 49, Ch. 7, Pt. 20. by \*Dixon.

Passed first consideration.

**\*House Bill No. 1729 -- Insurance Companies, Agents, Brokers --** Requires insurance agents to be bonded. Amends TCA, Title 56, Ch. 6, Pt. 1. by \*Kisber.

Passed first consideration.

**House Bill No. 1730 -- Highway Signs --** "W. Atlas Turner Memorial Bridge," Madison County. by \*Kisber, \*Sipes.

Passed first consideration.

**House Bill No. 1731 -- Madison County --** Permits county legislative body to give authority to county finance committee to recommend transfer or adjustments within major appropriation categories. Amends Chapter 163, Private Acts of 1986, as amended. by \*Kisber, \*Sipes.

Passed first consideration.

**\*House Bill No. 1732 -- Courts, Juvenile --** Permits juvenile court judge access to records pertaining to sexually transmitted diseases. Amends TCA 68-10-113. by \*Wood.

Passed first consideration.

**House Bill No. 1733 -- School Transportation --** Provides that students not allowed to stand in seating areas, aisles or entrance or exit areas of school bus while in motion; deletes provision allowing commissioner to permit number of pupils transported on bus to exceed manufacturer's rated capacity by 20 percent. Amends TCA, Title 49, Ch. 6, Pt. 21. by \*Severance, \*Hill.

Passed first consideration.

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**House Bill No. 1734** -- Education, Higher -- Revises higher education law. Amends TCA, Title 49, Chs. 7--9, 50. by \*Johnson, \*Davis R E, \*Huskey, \*Robinson Ruth, \*Allen, \*Cross, \*Whitson.

Passed first consideration.

**House Bill No. 1735** -- Taxes, Real Property -- Authorizes county trustee in Knox County to permit retired persons over 65 to pay real estate taxes in quarterly payments; authorizes county trustee to prescribe terms and conditions of payments. Amends TCA 67-5-1807. by \*Hill, \*Peroulas Draper, \*Tindell, \*Armstrong, \*Davis J K, \*Bittle, \*Severance.

Passed first consideration.

**House Bill No. 1736** -- Highway Signs -- J.E. "Buck" Karnes Bridge in Knoxville. by \*Hill, \*Peroulas Draper, \*Tindell, \*Davis J K, \*Armstrong, \*Bittle, \*Severance.

Passed first consideration.

**\*House Bill No. 1737** -- Game and Fish Laws -- Authorizes 501 exempt organizations to sell fish and wildlife for fundraising in accordance with TWRA rules which must allow one sale/year/organization which may last at least two months. Amends TCA, Title 70. by \*Ridgeway.

Passed first consideration.

**House Bill No. 1738** -- Highway Signs -- Knoxville Museum of Art, I-40. by \*Tindell, \*Armstrong, \*Hill, \*Davis J K, \*Bittle, \*Severance, \*Peroulas Draper.

Passed first consideration.

**House Bill No. 1739** -- Sunset Laws -- Health facilities commission, June 30, 1999; places under eight rather than four year cycle. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 11. by \*McDaniel, \*Herron.

Passed first consideration.

**House Bill No. 1740** -- Health -- Revises various provisions under Tennessee Health Planning and Resource Development Act of 1987. Amends TCA, Title 68, Ch. 11, Pt. 1. by \*McDaniel, \*Herron.

Passed first consideration.

**House Bill No. 1741** -- Common Carriers -- Increases maximum bus length from 40 to 45 feet; removes weight limitation. Amends TCA 55-7-204. by \*Robinson Robb, \*Stamps, \*Haltzman.

Passed first consideration.

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**\*House Bill No. 1742 -- Wildlife Resources Commission --** Provides that members are eligible to be appointed for maximum of two terms. Amends TCA 70-1-201. by \*Hillis.

Passed first consideration.

**House Bill No. 1743 -- Drugs --** Changes anabolic steroids from controlled substance Schedule VIII to Schedule III. Amends TCA, Title 39, Ch. 17, Pt. 4. by \*Rhinehart, \*Herron, \*Crain.

Passed first consideration.

**\*House Bill No. 1744 -- Fees --** Increases register's fees in Shelby and Davidson counties to same fees charged in rest of state. Amends TCA 8-21-1001. by \*Williams K.

Passed first consideration.

**\*House Bill No. 1745 -- Nuclear Materials, Transportation and Safety --** Deletes repeal of statutory fees on the handling and transporting of nuclear and atomic materials. Amends Chapter 417, Public Acts of 1991. by \*Hargrove.

Passed first consideration.

**\*House Bill No. 1746 -- Education --** Establishes 1990-1991 school year as base for maintenance of local financial support for education. Amends TCA 49-2-203, 49-3-314. by \*Hargrove.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 1491 -- Notice, Public --** Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1502 -- Solid Waste Disposal --** Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1503 -- Solid Waste Disposal --** Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1505 -- Education --** Referred by the Speaker to the Education Committee.

**\*House Bill No. 1515 -- District Attorneys --** Referred by the Speaker to the Finance, Ways and Means Committee.

**\*House Bill No. 1521 -- Insurance, Health, Accident --** Referred by the Speaker to the State and Local Government Committee.

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**\*House Bill No. 1530** -- Criminal Procedure -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1534** -- Pensions and Retirement Benefits -- Referred by the Speaker to the Finance, Ways and Means Committee.

**\*House Bill No. 1537** -- Highway Signs -- Referred by the Speaker to the Transportation Committee.

**House Bill No. 1542** -- Taxes, Real Property -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1558** -- Game and Fish Laws -- Referred by the Speaker to the Agriculture Committee.

**\*House Bill No. 1559** -- Pensions and Retirement Benefits -- Referred by the Speaker to the Finance, Ways and Means Committee.

**\*House Bill No. 1606** -- Licenses -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1609** -- Criminal Offenses -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1612** -- Alcoholic Beverages -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1621** -- Moore County -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1627** -- Utilities, Utility Districts -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1631** -- Advertising -- Referred by the Speaker to the Transportation Committee.

**\*House Bill No. 1644** -- Constitutional Conventions -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1645** -- Aircraft and Airports -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1650** -- Police -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1651** -- Teenage Pregnancy -- Referred by the Speaker to the Health and Human Resources Committee.

**\*House Bill No. 1652** -- General Assembly -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1653** -- Election Laws -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1654** -- Motor Vehicles -- Referred by the



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Speaker to the Transportation Committee.

**\*House Bill No. 1655** -- Highway Signs -- Referred by the Speaker to the Transportation Committee.

**\*House Bill No. 1656** -- Financial Disclosure -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1657** -- Judicial Districts -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1659** -- Constitutional Conventions -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1660** -- Contractors -- Referred by the Speaker to the Commerce Committee.

**\*House Bill No. 1661** -- Criminal Offenses -- Referred by the Speaker to the Conservation and Environment Committee.

**\*House Bill No. 1662** -- Funeral Directors and Embalmers -- Referred by the Speaker to the Commerce Committee.

**House Bill No. 1663** -- Mitchellville -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1664** -- Statutes -- Referred by the Speaker to the Judiciary Committee.

**House Bill No. 1665** -- Marshall County -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1666** -- Harriman -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1667** -- Kingston -- Held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 1668** -- Teachers -- Referred by the Speaker to the Education Committee.

**\*House Bill No. 1669** -- Marriage -- Referred by the Speaker to the Judiciary Committee.

**House Bill No. 1671** -- Highways, Roads and Bridges -- Referred by the Speaker to the Transportation Committee.

**House Bill No. 1672** -- Pensions and Retirement Benefits -- Referred by the Speaker to the Government Operations Committee.

**House Bill No. 1673** -- AIDS -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1674** -- Highway Signs -- Referred by the Speaker to the Transportation Committee.

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**House Bill No. 1675** -- Personnel Recruiting Services -- Referred by the Speaker to the Consumer and Employee Affairs Committee.

**\*House Bill No. 1676** -- Pest Control -- Referred by the Speaker to the Agriculture Committee.

**\*House Bill No. 1677** -- School Transportation -- Referred by the Speaker to the Transportation Committee.

**House Bill No. 1678** -- Garland -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1679** -- White County -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1680** -- Sports -- Referred by the Speaker to the Education Committee.

**\*House Bill No. 1681** -- Criminal Offenses -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1682** -- Jails, Local Lock-ups -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1683** -- Taxes, Real Property -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1684** -- Contractors -- Referred by the Speaker to the Judiciary Committee.

**House Bill No. 1685** -- Handicapped Persons -- Referred by the Speaker to the Transportation Committee.

**House Bill No. 1686** -- Marshall County -- Held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 1687** -- Taxes, Sales -- Referred by the Speaker to the Finance, Ways and Means Committee.

**House Bill No. 1688** -- Whiteville -- Held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 1689** -- Public Officials -- Referred by the Speaker to the Education Committee.

**House Bill No. 1690** -- Fees -- Referred by the Speaker to the Conservation and Environment Committee.

**\*House Bill No. 1691** -- Taxes, Litigation -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1692** -- Taxes, Sales -- Referred by the Speaker to the Finance, Ways and Means Committee.

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**House Bill No. 1693** -- Professions and Occupations -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1694** -- Taxes, Privilege -- Referred by the Speaker to the Finance, Ways and Means Committee.

**House Bill No. 1695** -- Development Districts -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1696** -- County Officers -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1697** -- Appropriations -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1698** -- County Government -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1699** -- Local Education Agency -- Referred by the Speaker to the Education Committee.

**\*House Bill No. 1700** -- Education -- Referred by the Speaker to the Education Committee.

**House Bill No. 1701** -- State Government -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1702** -- Constitutional Conventions -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1703** -- Debtor Creditor Relations -- Referred by the Speaker to the Judiciary Committee.

**\*House Bill No. 1704** -- Highways, Roads and Bridges -- Referred by the Speaker to the Transportation Committee.

**House Bill No. 1705** -- Pulaski -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1706** -- White County -- Held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 1707** -- Law Enforcement -- Referred by the Speaker to the Judiciary Committee.

**House Bill No. 1708** -- Equalization Board -- Referred by the Speaker to the State and Local Government Committee.

**House Bill No. 1709** -- Taxes, Real Property -- Referred by the Speaker to the State and Local Government Committee.

**\*House Bill No. 1710** -- Taxes -- Referred by the Speaker to the Finance, Ways and Means Committee.

**\*House Bill No. 1711** -- Education -- Referred by the Speaker to the Education Committee.

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House Bill No. 1712 -- Highway Signs -- Referred by the Speaker to the Transportation Committee.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**  
**February 5, 1992**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1665, 1666, 1667, 1678, 1686 and 1688.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**  
**CONSENT CALENDAR**  
**February 5, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 10, 1992: House Bill(s) No(s). 1665, 1666, 1667, 1678, 1686 and 1688; also, House Joint Resolution(s) No(s). 455 and 458.

PHILLIPS, Chair.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, February 6, 1992.